

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 07-CR-195-CVE
) (Appeal No. 09-5156)
JOSEPH LYNN THORNBURGH,)
)
Defendant.)

OPINION AND ORDER

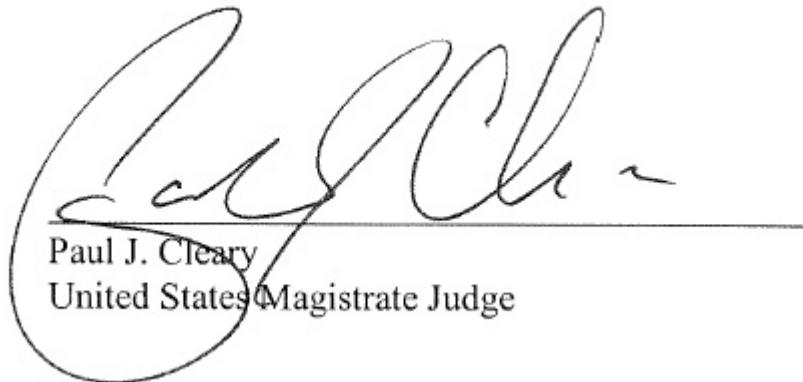
This matter was referred to the undersigned to determine the eligibility of Defendant Joseph Lynn Thornburgh ("Thornburgh") for appointment of counsel under the Criminal Justice Act, 18 U.S.C. § 3006A. [Dkt. Nos. 395, 398-99]. Two hearings have been held on this matter. At the last hearing on April 8, 2010, Defendant was ordered to submit a proper Financial Affidavit. Thereafter Defendant submitted a Financial Affidavit that still was insufficient. The Court then ordered Defendant again to submit a proper Financial Affidavit. [Dkt. No. 413]. Defendant has now complied with that Order.

Based on the testimony and evidence presented at the April 8, 2010, hearing, and the Financial Affidavit recently submitted, the Court concludes that Defendant Thornburgh is financial unable to obtain adequate representation herein and, therefore, qualifies for appointment of counsel under the Criminal Justice Act. Accordingly, attorney Fred Randolph Lynn is hereby appointed to represent Thornburgh in his

appeal before the Tenth Circuit Court of Appeals. The Motion for Appointment of Counsel [Dkt. No. 398] is hereby **GRANTED**.

Thornburgh recently filed a Motion Requesting for (sic) Copies Pursuant to 28 U.S.C. § 753(f) & 18 U.S.C. § 3006A ("Motion for Copies") [Dkt. No. 414]. Since counsel has now been appointed for Defendant, this motion is **STRICKEN without prejudice**. All future filings are to be made by counsel. Attorney Lynn is directed to review Thornburgh's Motion for Copies and re-submit any such motion, if appropriate, by May 19, 2010.

IT IS SO ORDERED this 5th day of May 2010.



Paul J. Cleary
United States Magistrate Judge